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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,328	12/12/2003	Stanley S. Sharples	61493	2229

24230 7590 03/24/2005

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OTTAWA, KS 66067

EXAMINER

LEON, EDWIN A

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.D.

**Office Action Summary**

Application No.

10/735,328

Applicant(s)

SHARPLES, STANLEY S.

Examiner

Edwin A. León

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 1-3, 9, 10, 17 and 19 is/are rejected.
- 7) ☒ Claim(s) 4-8, 11-16 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 9-10, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Sharples (U.S. Patent No. 6,478,587). With regard to Claim 1, Sharples discloses a retractable electric wall outlet assembly (10), comprising: a cover plate (48) defining a generally rectangular opening (49); an electric box (30) having an electric plug receptacle (40), the electric box (30) being coupled to the cover plate (48) for movement between an inoperable (Fig. 8) configuration retracted through the opening (49) rearward of the cover plate (48) and an operable (Fig. 9) configuration extending through the opening (49) forward of the cover plate (48); means (96) for biasing the electric box (30) toward the operable (Fig. 9) configuration; and latch assembly for releasably holding the electric box (30) at the inoperable (Fig. 8) configuration. See Figs. 1-9.

With regard to Claim 2, Sharples discloses the electric box (30) being pivotally coupled to the face plate (48) adjacent the opening (49) such that the electric box (30) is

pivotally movable through the opening (49) between the inoperable (Fig. 8) and operable (Fig. 9) configurations. See Figs. 1-9.

With regard to Claim 3, Sharples discloses the biasing means (96) being a torsion spring (96) mounted to a rear surface of the face plate (48) and connected to the electric box (30) for biasing the electric box (30) toward the operable (Fig. 9) configuration. See Figs. 1-9.

With regard to Claim 9, Sharples discloses the electric box (30) including a generally rectangular configuration being dimensioned slightly smaller than dimensions of the cover plate (48) opening (49) such that the electric box (30) can pass through the opening (49); and a front surface of the electric box (30) is substantially flush with a front surface of the cover plate (48) at the inoperable (Fig. 8) configuration and the electric box (30) front surface is forwardly displaced from the front surface of the cover plate (48) at the operable (Fig. 9) configuration. See Figs. 1-9.

With regard to Claim 10, Sharples discloses a retractable electric wall outlet assembly (10) for providing selective access to electric receptacles (40), comprising: a generally flat cover plate (48) having a rectangular configuration dimensioned to overlay a wall electric outlet opening (49), the cover plate (48) defining a generally rectangular opening (49) having dimensions substantially similar to dimensions of the wall electric outlet opening (49); an electric box (30) being pivotally coupled to the cover plate (48) and having a plurality of electric plug receptacles (40), the electric box (30) being movable through the cover plate (48) opening (49) between a retracted configuration in which an electric box (30) front surface is generally flush with a cover plate (48) front

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surface such that the plurality of electric plug receptacles (40) are inaccessible and an extended configuration in which the electric box (30) front surface is forwardly displaced from the cover plate (48) such that the plurality of electric plug receptacles (40) are accessible; a spring (96) coupled to the cover plate (48) and connected to the electric box (30) for biasing the electric box (30) toward the extended configuration, and a latch assembly (44) interconnecting the electric box (30) and the cover plate (48) for releasably holding the electric box (30) in the retracted configuration. See Figs. 1-9.

With regard to Claim 17, Sharples discloses the spring (96) being a torsion spring (96). See Figs. 1-9.

With regard to Claim 19, Sharples discloses the electric box (30) including a generally rectangular configuration having dimensions slightly smaller than dimensions of the cover plate (48) opening (49) such that the electric box (30) can pass through the opening (49); and a front surface of the electric box (30) is substantially flush with a front surface of the cover plate (48) at the retracted configuration and the electric box (30) front surface is forwardly displaced from the front surface of the cover plate (48) at the extended configuration. See Figs. 1-9.

***Allowable Subject Matter***

3. Claim 20 is allowed.
4. Claims 4-8, 11-16 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The references fail to teach, disclose, or suggest, either alone or in combination, a track structure mounted to a rear surface of the cover plate and extending outwardly, the latch member being positioned to engagingly move along the track structure when the electric box is moved between the operable and inoperable configurations; and wherein the track structure defines a recess for receiving and releasably holding the latch member when the electric box is at the inoperable configuration, a support member mounted to a rear surface of the cover plate and extending outwardly; and a push latch mounted to a distal end of the support member relative to the cover plate for selectively capturing and releasing the latch member, a track structure situated on the support member having a deep slot extending substantially between the cover plate and a distal end of the support member and having a recess at a distal end of the deep slot, whereby the latch member tip engages the deep slot for movement therein and is captured in the recess when the electric box is moved from the extended configuration to the retracted configuration, the shallow slot being configured to guide the latch member to the deep slot proximal end when the electric box is moved from the retracted configuration to the extended configuration and in combination with the rest of the limitations of the base and intermediate claims.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Byrne (U.S. Patent No. 6,290,518), Obermann (U.S. Patent No.

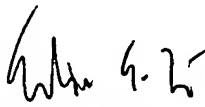
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6,046,405), Charlton (U.S. Patent No. 5,755,582), and Timmerman (U.S. Patent No. 5,757,668) disclose retractable assemblies having outlets, latching mechanisms and springs.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. León whose telephone number is (571) 272-2008. The examiner can normally be reached on Monday - Friday 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800, extension 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Edwin A. León  
AU 2833

  
Gary Paumes  
Primary Examiner

EAL  
March 16, 2005